



City of Davis
Police Accountability Commission Meeting
Thursday, December 5, 2019

MINUTES

Members present: Mary Bliss, Will Kelly, Dillan Horton, Judith MacBrine, Cecilia Escamilla-Greenwald, Elaine Kahan

Members absent: Abram Jones, Sean Brooks

1. Call to Order (6:30)

Chair MacBrine called the meeting to order at 6:40pm.

2. Approval of Agenda

Escamilla-Greenwald, moved, with a second by Horton, approval of the agenda with the following change: move Auditor Update earlier in meeting to the first regular item.

Motion passed by the following vote:

AYES: Escamilla-Greenwald, Horton, Kahan, Kelly, MacBrine

NOES: None

ABSENT: Brooks, Jones

ABSTAIN: Bliss

3. Brief Announcements from Staff, Commissioners, and Liaisons (5 minutes)

Stachowicz shared that Police Chief Pytel provided the City Council with a Crime Status Update at the Council meeting on December 3, 2019. As part of this item, the Council directed the Chief to return with specific proposals related to surveillance cameras and to include the PAC in the process.

Commissioners asked how the process will work going forward for the surveillance technology (proposed at the December 3 Council meeting) and whether the PAC should form a subcommittee to be prepared with the surveillance technology issue. The PAC would like more information on where and when the Commission will participate in the review process, since the process is new and the topic is not on the agenda for the current meeting.

A. Welcome to ASUCD Commissioner Wambui

Stachowicz also noted that ASUCD has nominated a new member, Tex Wambui. Mr. Wambui is not able to join the Commission at the December meeting, but will join in January. MacBrine and Horton will reach out to him.

4. Public Comment

David Greenwald – Has concerns about putting cameras on public parking lots. For Auditor's Report, Greenwald brought kidnapping case to the auditor's attention. Believes that Police used questionable tactics for identifying individuals, and an innocent individual spent 20 months in custody. Asked if consequences to officer were commensurate with the offense. Commission should make sure there is accountability, not just that officers don't break the law.

Francesca Wright – Remarkable to have Police Auditor. Would like Commission to send letter to Public Defender to explain the Auditor role. Previously, Public Defender had advised people not to bother with complaints. Chief talked about data sharing as well and would like Commission to look at that issue as well.

Robert Canning – Expressed concerns about surveillance cameras, which were included in (People Power) letter to the City Council. Would like Commission to informally adopt timelines, etc.

5. Consent Items

MacBrine and Kelly agreed, with the consensus of the other Commissioners, that the second in Item 6A was made by Kelly, not MacBrine. Staff will amend the minutes.

6. Regular Items

A. November 17th Community Meeting Debrief and Next Steps –

Stachowicz provided brief overview and shared the feedback collected from attendees.

Commissioners shared their initial thoughts and feedback, which included:

- *Pleased about attendance (number, diversity, etc.)*
- *Some attendants didn't feel PAC and event were addressing public safety. Think about answers to questions about why PAC doesn't deal with certain issues.*
- *People came ready to talk but meeting didn't really get there. Need to make sure next time there is room for discussion.*
- *Many people didn't know PAC existed. Event helped to explain to people what PAC is/does.*
- *Would like (the Commission) to get out more in smaller groups.*
- *Concerned about accessibility (mics weren't used, presentations weren't visible, etc.) and City needs to do more for events.*
- *Police Chief Pytel was not present, even though he was supposed to be there. Some attendees reportedly did not want him there at all; others were upset that he wasn't present. One commissioner noted that PAC can help people who are concerned by the presence of the Chief. It was also suggested that a potential outcome measure could be the degree to which people don't want to engage with the Police Department.*

Public Comment:

- *Don Sherman: had question about the 20-month incarceration.*
- *Francesca Wright: expressed her concerns about the November meeting (people did not have a voice, went over time, several people said they would never come to one again, etc.). Facilitator should have been brief. Also noted that Things that introductions, explanation of priorities, and Police Auditor explanation were good. Suggested feedback forms.*
- *Melina Kahan: Thought it was good to regroup/focus at beginning but didn't need to be that long. If group is there to do work, then group should work.*

Commissioner Discussion:

- *Interest in contacting participants, perhaps through an email letter created by subcommittee, and sharing overall input, inviting to future PAC meetings, creating real opportunities for dialog. Perhaps include a survey/survey monkey asking people about their thoughts when email is sent out.*
- *Interest in discussing the Police Chief's (lack of) participation at the event. Concerned that the subcommittee was out of the loop in the decision making process. Concern that lack of chief was a missed opportunity for discussion. The Outreach Subcommittee is working on scheduling a meeting with Webb and Pytel to find out what happened with Pytel's participation.*
- *Acknowledge that it was a late start and that meeting went long.*
- *Need to figure out how to use the notes/feedback.*
- *Escamilla-Greenwald, MacBrine, Kelly and Kahan will get something together in a week.*

B. Subcommittee Reports

The PAC subcommittees will report on work to date.

1. Outreach Subcommittee (Horton, Kahan, Kelly, Escamilla-Greenwald) –
Kelly: Will report back on meeting with City Manager and Police Chief.
2. Procedures Subcommittee (Bliss, Brooks, Kahan) –
Bliss: Put together template for PAC for goals. Subcommittees should come up with goals, timelines, etc. Send thoughts to staff by December 20. Can include Goals, Objectives, Tasks.

MacBrine: Should Goals be to Build Trust, Transparency, etc.?

Horton: Council had Focus Items and priorities they wanted staff to focus on. Include things on which we want to collaborate with Auditor, Police Department?
3. Mental Health Issues Subcommittee (Bliss, Escamilla-Greenwald, Kahan, MacBrine) –
MacBrine would like to pull together people in mental health to talk with them.
Kahan: Had conversation with Lt. Waltz about how PD works with mental health professionals when working on a case. There was a grant that's no longer funded. Staff will ask Chief Pytel and Lt. Waltz for more information on the grant.
Escamilla-Greenwald: Can Commission help with getting grant back?
4. City/UC Davis Police Relations Subcommittee (Horton, Jones) –
No update.
5. Traffic Stop Data Subcommittee (Brooks, Escamilla-Greenwald, Kelly, MacBrine) –

Whren Decision says the police can stop anyone for any cause. Overemphasis on Whren and under-emphasis on other issues. Police spend a lot of time pulling over people for cause, but not a lot of time spent on bigger picture and providing good customer service. This is coming from POST. How can PAC shift this focus?

Kelly: RIPA data should be submitted to DOJ in January but not sure how. Would like to see spreadsheet when it's available. Staff will check with the Police Department.

Public Comment:

- *Robert Canning: mental health issues are typically County issues. Contact Karen Larson to ask about grant. Some places have officers who are also mental health workers/psychologists.*

C. Police Auditor Update and Overview of Police Auditor Complainant Reports

Gennaco walked through the recently-released semi-annual Auditor's report and each case within the report. Noted that encounters will be recorded so will be easier to review. See <https://www.cityofdavis.org/city-hall/police-department/administration/independent-police-auditor> for the full report.

Commissioner Questions:

Kahan: August 2018 complaint about GPS information. Were there recommendations for the use of GPS tracking of people?

Gennaco: out of state agency did the GPS work, however local SWAT called out to deal with the situation. Would have liked to have seen a more aggressive after-action review of this incident, in part to question the GPS coordinates.

Kelly: In Case 2 (Identification), did you look at GPS handling? Strange that information wasn't presented earlier in the process... is that typical?

Gennaco: did not look at GPS handling. He noted he can't look at County issues or question judicial decisions.

Kelly: With technology, thought DPD would be able to present what information said but there was a long time before information was found.

Gennaco: Defender found information from the individual's prior DUI, which required him to have GPS data and proved he was not on site.

Horton: In publication process (of the overall report), there were some kinks. Will it be smoother and more expeditious in the future?

Gennaco: first time a report like this goes out, everyone appropriately nervous. As things get into routine, people start to get more comfortable. We've learned from this process.

Escamilla-Greenwald: When we look at report, what policies and procedures are in place that allow some of these actions in report (i.e. identification case) to happen? Clearly there is need for more training for officers. Where are there holes and where can Commission provide feedback?

Gennaco: judge was okay with the practice, but Gennaco did not believe it was good policy. DPD has implemented a new policy to try to prevent these types of things in the future. Commission may be able to talk about these things earlier.

MacBrine: When items written, is there a checklist?

Gennaco: More of a mental checklist is used.

MacBrine: In terms of cost to citizen, in some cases "injury" is clear, in other cases, it's not as clear. Would like to know costs. Why wasn't cost of person in jail for 20 months considered?

Gennaco: Person stayed in jail because of other evidence, not because of identification issue/action.

MacBrine: Is there opportunity to give people a restorative process, post investigation?

Gennaco: It's not built into the process. Some are given the opportunity but reject it.

MacBrine: This was a six-month report, will there be more frequent reports in the future?

Public Comment:

- *Robert Canning: Regarding police procedures, training is good but then need to audit them. Who will do this and how will it be done? How will commission know what's happened with the recommendations? Need quality control and feedback on the other end.*
- *Francesca Wright: Echoes Canning's comments. Would like to see table in an annual report about what has happened with recommendations. Have police behaviors changed?*

Commission Discussion:

The Commission discussed follow up on the Auditor's recommendations included in the report – have they been implemented? Why or why not? Commission also discussed having a document (policy/procedure) that spells out how the reports will be completed and released. People should know process and timelines.

Stachowicz will talk with City Manager and determine next steps.

Escamilla-Greenwald: come back with subcommittee with recommendations for the type of information that goes into reports, what happens with recommendations, etc.

Gennaco: If there's no action on the recommendations, what's the point. But ask Police Chief.

Escamilla-Greenwald moved, with a second by Horton, to ask City Manager and Police Chief that PAC be provided a follow up report that shows how recommendations have been enacted, or if they haven't, why not (or will they be and when) implemented? Would also like to know how the City evaluates policies.

Kelly asked whether the Commission could see new policies as they come into place and for more information how a new policy is put into place.

Horton made a Friendly Amendment to make it a routine process to include implementation recommendations. Would like to have information as soon as possible. The Friendly Amendment was accepted by the mover.

Gennaco: not every recommendation involves a change in policy.

The motion, as amended, passed by the following vote:

AYES: Bliss, Escamilla-Greenwald, Horton, Kahan, Kelly, MacBrine

NOES: None

ABSENT: Brooks, Jones

7. Future Agenda Items/Long Range Calendar

- *Stachowicz shared Commissioner Jones' request to discuss the proposed Evolve item. Consensus from Commission to put on future agenda.*
- *Commissioner Kelly requested Canning's proposal to modify the surveillance technology item to include the PAC. Escamilla-Greenwald moved, with a second from MacBrine, to have a subcommittee of Escamilla-Greenwald and Brooks focused on surveillance technology (to take the Council's feedback, meet with the Police Chief, etc.). Motion passed unanimously.*
- *Commissioner Kelly requested that the Homeless Outreach Coordinator come to a future meeting.*
- *Brief discussion about when data for RIPA will be submitted. Commission would like this on an agenda when it is appropriate.*

A. Joint Discussion with the City Council (Tent. Feb 25)

MacBrine, Kelly, Horton, and Escamilla-Greenwald will work on preparation for joint discussion with City Council and the (annual) evaluation of the auditor, both of which will be on the January and/or February agenda.

B. Election of Chair/Vice Chair 2020

Chair MacBrine reminded the commission that new positions will be elected in January.

8. Adjourn (8:30)

Horton moved, with a second by Kahan, to adjourn the meeting. Motion passed by the following vote:

AYES: Bliss, Escamilla-Greenwald, Horton, Kahan, Kelly, MacBrine

NOES: None

ABSENT: Brooks, Jones

The meeting adjourned at 8:55pm.
